

FIRST REGULAR SESSION

HOUSE BILL NO. 383

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOPPE AND SMITH (Co-sponsors).

Read 1st time January 16, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1184L.011

AN ACT

To repeal sections 14.010, 14.020, 14.030, 50.333, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.082, 483.083, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 2000, relating to judicial department personnel, and to enact in lieu thereof thirty-one new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 14.010, 14.020, 14.030, 50.333, 59.020, 59.041, 59.090, 59.100, 59.130, 59.140, 59.150, 59.250, 59.255, 59.257, 59.260, 59.300, 483.010, 483.015, 483.020, 483.055, 483.060, 483.065, 483.075, 483.082, 483.083, 483.140, 483.150, 483.165, 483.170, 483.175, 483.180, 483.190, 483.195, 483.200, 483.205, 483.240, 483.245, 483.360, 483.390, 483.445 and 483.450, RSMo 2000, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 14.010, 14.020, 14.030, 50.333, 59.020, 59.041, 59.090, 59.100, 59.130, 59.150, 59.250, 59.255, 59.257, 59.333, 483.010, 483.015, 483.018, 483.020, 483.055, 483.060, 483.065, 483.075, 483.082, 483.083, 483.140, 483.150, 483.240, 483.245, 483.360, 483.390, and 483.445, to read as follows:

14.010. 1. Notices of liens for internal revenue taxes payable to the United States of America and certificates discharging such liens shall be filed in the office of the recorder of deeds [or in the office of the clerk of the circuit court as ex officio recorder of deeds] of the county within which the property subject to the liens is situated.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 2. Notices of liens upon real property for obligations payable to the United States and
6 certificates and notices affecting the liens shall be filed in the office of the recorder of deeds of
7 the county in which the real property subject to the liens is situated.

8 3. All federal lien notices, which under any act of Congress or any regulation adopted
9 thereto are required to be filed in the same manner as notices of federal tax liens, shall be filed
10 and discharged in accordance with the provisions of sections 14.010 to 14.040.

 14.020. When a notice of such tax lien is filed, the recorder [or clerk] shall forthwith
2 enter the same in an alphabetical federal tax lien index to be provided by the county commission,
3 showing on one line the name and residence of the taxpayer named in such notice, the collector's
4 serial number of such notice, the date and hour of filing and the amount of tax and penalty
5 assessed. [He] **The recorder** shall file and keep all original notices so filed in numerical order
6 in a file to be provided by the county commission and designated "federal tax lien notices".

 14.030. When a certificate of discharge of any tax lien issued by the collector of internal
2 revenue or other proper officer is filed in the office of the recorder [or clerk] where the original
3 notice of lien is filed, [said] **the recorder** [or clerk] shall enter the same with the date of filing in
4 said federal tax lien index on the line where the notice of the lien so discharged is entered and
5 permanently attach the original certificate of discharge to the original notice of lien.

 50.333. 1. There shall be a salary commission in every nonchartered county.
2 2. The **county** clerk [of the circuit court of the judicial circuit in which such county is
3 located] shall set a date, time and place for the salary commission meeting and serve as
4 temporary chairman of the salary commission until the members of the commission elect a
5 chairman from their number. Upon written request of a majority of the salary commission
6 members the **county** clerk [of the circuit court] shall forthwith set the earliest date possible for
7 a meeting of the salary commission. The [circuit] **county** clerk shall give notice of the time and
8 place of any meeting of the salary commission. Such notice shall be published in a newspaper
9 of general circulation in such county at least five days prior to such meeting. Such notice shall
10 contain a general description of the business to be discussed at such meeting.

11 3. The members of the salary commission shall be:

12 (1) The recorder of deeds [if the recorder's office is separate from that of the circuit
13 clerk];

14 (2) The county clerk;

15 (3) The prosecuting attorney;

16 (4) The sheriff;

17 (5) The county commissioners;

18 (6) The collector or treasurer ex officio collector;

19 (7) The treasurer or treasurer ex officio collector;

- 20 (8) The assessor;
21 (9) The auditor;
22 (10) The public administrator; and
23 (11) The coroner.
24

25 Members of the salary commission shall receive no additional compensation for their services
26 as members of the salary commission. A majority of members shall constitute a quorum.

27 4. Notwithstanding the provisions of sections 610.021 and 610.022, RSMo, all meetings
28 of a county salary commission shall be open meetings and all votes taken at such meetings shall
29 be open records. Any vote taken at any meeting of the salary commission shall be taken by
30 recorded yeas and nays.

31 5. In every county, the salary commission shall meet at least once before November
32 thirtieth of each odd-numbered year. The salary commission may meet as many times as it
33 deems necessary and may meet after November thirtieth and prior to December fifteenth of any
34 odd-numbered year if the commission has met at least once prior to November thirtieth of that
35 year. At any meeting of the salary commission, the members shall elect a chairman from their
36 number. The county clerk shall present a report on the financial condition of the county to the
37 commission once the chairman is elected, and shall keep the minutes of the meeting.

38 6. For purposes of this section, the 1988 base compensation is the compensation paid on
39 September 1, 1987, plus the same percentage increase paid or allowed, whichever is greater, to
40 the presiding commissioner or the sheriff, whichever is greater, of that county for the year
41 beginning January 1, 1988. Such increase shall be expressed as a percentage of the difference
42 between the maximum allowable compensation and the compensation paid on September 1,
43 1987. At its meeting in 1987 and at any meeting held in 1988, the salary commission shall
44 determine the compensation to be paid to every county officer holding office on January 1, 1988.
45 The salary commission shall establish the compensation for each office at an amount not greater
46 than that set by law as the maximum compensation. If the salary commission votes to increase
47 compensation, but not to pay the maximum amount authorized by law for any officer or office,
48 then the increase in compensation shall be the same percentage increase for all officers and
49 offices and shall be expressed as a percentage of the difference between the maximum allowable
50 compensation and the compensation being received at the time of the vote. If two-thirds of the
51 members of the salary commission vote to decrease the compensation being received at the time
52 of the vote below that compensation, all officers shall receive the same percentage decrease. The
53 commission may vote not to increase or decrease the compensation and that compensation shall
54 continue to be the salary of such offices and officers during the subsequent term of office.

55 7. For the year 1989 and every second year thereafter, the salary commission shall meet

56 in every county as many times as it deems necessary on or prior to November thirtieth of any
57 such year for the purpose of determining the amount of compensation to be paid to county
58 officials. For each year in which the commission meets, the members shall elect a chairman
59 from their number. The county clerk shall present a report on the financial condition of the
60 county to the commission once the chairman is elected, and shall keep minutes of the meeting.
61 The salary commission shall then consider the compensation to be paid for the next term of
62 office for each county officer to be elected at their next general election. If the commission votes
63 not to increase or decrease the compensation, the salary being paid during the term in which the
64 vote was taken shall continue as the salary of such offices and officers during the subsequent
65 term of office. If the salary commission votes to increase the compensation, all officers or
66 offices whose compensation is being considered by the commission at that time, shall receive
67 the same percentage of the maximum allowable compensation. However, for any county in
68 which all offices' and officers' salaries have been set at one hundred percent of the maximum
69 allowable compensation, the commission may vote to increase the compensation of all offices
70 except that of full-time prosecuting attorneys at that or any subsequent meeting of the salary
71 commission without regard to any law or maximum limitation established by law. Such increase
72 shall be expressed as a percentage of the compensation being paid during the term of office when
73 the vote is taken, and each officer or office whose compensation is being established by the
74 salary commission at that time shall receive the same percentage increase over the compensation
75 being paid for that office during the term when the vote is taken. This increase shall be in
76 addition to any increase mandated by an official's salary schedule because of changes in assessed
77 valuation during the current term. If the salary commission votes to decrease the compensation,
78 a vote of two-thirds or more of all the members of the salary commission shall be required before
79 the salary or other compensation of any county office shall be decreased below the compensation
80 being paid for the particular office on the date the salary commission votes, and all officers and
81 offices shall receive the same percentage decrease.

82 8. The salary commission shall issue, not later than December fifteenth of any year in
83 which it meets, a report of compensation to be paid to each officer and the compensation so set
84 shall be paid beginning with the start of the subsequent term of office of each officer. The report
85 of compensation shall be certified to the clerk of the county commission for the county and shall
86 be in substantially the following form:

87 The salary commission for County hereby certifies that it has met pursuant
88 to law to establish compensation for county officers to be paid to such officers during the next
89 term of office for the officers affected. The salary commission reports that there shall be (no
90 increase in compensation) (an increase of percent) (a decrease of percent)
91 (county officer's salaries set at percent of the maximum allowable compensation).

92 Salaries shall be adjusted each year on the official's year of incumbency for any change in the last
93 completed assessment that would affect the maximum allowable compensation for that office.

94 9. For the meeting in 1989 and every meeting thereafter, in the event a salary
95 commission in any county fails, neglects or refuses to meet as provided in this section, or in the
96 event a majority of the salary commission is unable to reach an agreement and so reports or fails
97 to certify a salary report to the clerk of the county commission by December fifteenth of any year
98 in which a report is required to be certified by this section, then the compensation being paid to
99 each affected office or officer on such date shall continue to be the compensation paid to the
100 affected office or officer during the succeeding term of office.

101 10. Other provisions of law notwithstanding, in every instance where an officer or
102 employee of any county is paid a mileage allowance or reimbursement, the county commission
103 shall allow or reimburse such officers or employees out of the county treasury at the highest rate
104 paid to any county officer for each mile actually and necessarily traveled in the performance of
105 their official duties. The county commission of any county may elect to pay a mileage allowance
106 for any county commissioner for travel going to and returning from the place of holding
107 commission meetings and for all other necessary travel on official county business in the
108 personal motor vehicle of the commissioner presenting the claim. The governing body of any
109 county of the first classification not having a charter form of government may provide by order
110 for the payment of mileage expenses of elected and appointed county officials by payment of a
111 certain amount monthly which would reflect the average monthly mileage expenses of such
112 officer based on the amount allowed pursuant to state law for the payment of mileage for state
113 employees. Any order entered for such purpose shall not be construed as salary, wages or other
114 compensation for services rendered.

115 11. The term "maximum allowable compensation" as used in this section means the
116 highest compensation which may be paid to the specified officer or office in the particular county
117 based on the salary schedule established by law for the specified officer or office. If the salary
118 commission at its meeting in 1987 voted for one hundred percent of the maximum allowable
119 compensation and does not change such vote at its meeting held within thirty days after May 13,
120 1988, as provided in subsection 6 of this section, the one hundred percent shall be calculated on
121 the basis of the total allowable compensation permitted after May 13, 1988.

122 12. At the salary commission meeting which establishes the percentage rate to be applied
123 to county officers during the next term of office, the salary commission may authorize the further
124 adjustment of such officers' compensation as a cost-of-living component and effective January
125 first of each year, the compensation for county officers may be adjusted by the county
126 commission, and if the adjustment of compensation is authorized, the percentage increase shall
127 be the same for all county officers, not to exceed the percentage increase given to the other

128 county employees. The compensation for all county officers may be set as a group, although the
129 change in compensation will not become effective until the next term of office for each officer.
130 13. At the salary commission meeting in 1997 which establishes the salaries for those
131 officers to be elected at the general election in 1998, the salary commission of each noncharter
132 county may provide salary increases for associate county commissioners elected in 1996. This
133 one-time increase is necessitated by the change from two- to four-year terms for associate
134 commissioners pursuant to [house bill 256, passed by the first regular session of the eighty-eighth
135 general assembly in 1995] **section 49.020, RSMo.**

59.020. In all counties [of the first and second classes, and in counties of the third class]
2 where the offices of clerk of the circuit court and recorder of deeds are separate, the qualified
3 electors thereof, in the November election in the year [1946] **2002** and every four years
4 thereafter, shall elect some suitable person as recorder who shall hold office for four years and
5 until his **or her** successor is elected, commissioned, and qualified. [He] **Such person** shall enter
6 upon the duties of [his] office on the first day of January next following the election.

59.041. Notwithstanding the provisions of this chapter or chapter 478, RSMo, or any
2 other provision of law in conflict with the provisions of this section, in any county [which
3 becomes a county of the second class after September 28, 1987, and] wherein the offices of
4 circuit clerk and recorder of deeds are combined, such combination shall continue until the voters
5 of the county authorize the separation of the offices as provided in section 59.040, **or approve**
6 **appointment of the circuit clerk as provided by section 483.018, RSMo.**

59.090. **1.** In all counties [of the fourth class,] **where** the clerks of the circuit court [shall
2 be] **have been** ex officio [recorder] **recorders** for their respective counties **before the voters**
3 **authorized appointment of a circuit clerk pursuant to section 483.018, RSMo, the circuit**
4 **clerk ex officio recorder of deeds last holding office shall deliver to the successor recorder**
5 **of deeds all funds, records, books, papers, writings, seals, furniture, computer and**
6 **electronic equipment, and apparatus belonging to the office, whole, safe and undefaced.**

2. All references in statute to "circuit clerk ex officio recorder of deeds" means the
8 **county recorder of deeds or the circuit clerk, as appropriate.**

59.100. Every [clerk and every] recorder elected as provided in section 59.020, before
2 entering upon the duties of the office as recorder, shall enter into bond to the state, in a sum set
3 by the county commission of not less than one thousand dollars, with sufficient sureties, not less
4 than two, to be approved by the commission, conditioned for the faithful performance of the
5 duties enjoined on [him] **the recorder** by law as recorder, and for the delivering up of the
6 records, books, papers, writings, seals, furniture and apparatus belonging to the office, whole,
7 safe and undefaced, to such officer's successor.

59.130. [He] **Every recorder of deeds** shall have a seal of office, and shall have power
2 to take the acknowledgment of proof of deeds and instruments of writing[, and to take the
3 relinquishments of dower of married women, and certify the same, under his seal of office, in
4 all cases and in the same manner, with like effect, as clerks of circuit courts may do by law].

59.150. [Hereafter] Whenever, under any law of this state relating to the duties of the
2 recorder of deeds in any county of this state, it becomes necessary for any person to be sworn to
3 any statement, affidavit or other papers of any kind, the recorder of deeds shall be authorized to
4 administer an oath to any person in matters relating to the duties of [his] **the recorder's** office,
5 with like effect as clerks of courts of record; provided, [he] **the recorder** use [his] **the recorder's**
6 seal of office to the jurat, as clerks of courts of record do. [He shall receive the same
7 compensation allowed by law for like service as clerks of courts are now allowed.]

59.250. 1. The recorder of deeds [in counties of the third class, wherein there is a
2 separate circuit clerk and recorder,] shall keep a full, true and faithful account of all fees of every
3 kind received. [He] **The recorder** shall make a report thereof each year to the county
4 commission.

5 2. It shall be the duty of the recorder of deeds to charge, receive and collect in all cases
6 every fee, charge or money due [his] **the recorder's** office by law. [He] **The recorder** shall also,
7 when [he] **the recorder** makes and files the report herein required at the end of each year of [his]
8 **the recorder's** official term, verify the same by affidavit, and the report shall show the source
9 and amount of every fee or charge collected. All fees, charges and moneys collected by the
10 recorder of deeds shall be the property of the county. **Every recorder of deeds shall be liable**
11 **on his or her personal bond for all fees collected and not accounted for by him or her, and**
12 **for fees not paid into the county treasury as provided herein.**

59.255. The recorder of deeds in each county [of the third class wherein the offices of
2 circuit clerk and recorder of deeds are separate and the circuit clerk and ex officio recorder of
3 deeds in each county of the fourth class and in each county of the third class wherein the offices
4 are combined] shall keep [in his office] a [well-bound book to be] **record** known as the
5 "Marginal Release of Deeds of Trust" in which [he shall enter] **was entered** in appropriately
6 ruled and headed columns, at the time of the execution of a marginal release of a deed of trust[,
7 the following items:] **executed before August 28, 1991**, the names of the grantors and grantees,
8 the book and page of release, the date of release and to whom delivered.

59.257. The recorder of deeds [in counties of the third class, wherein there is a separate
2 circuit clerk and recorder,] is entitled to appoint the deputies that the recorder of deeds, with the
3 approval of the county commission, deems necessary for the prompt and proper discharge of the
4 duties of [his] **the office**. The deputies shall possess the **same** qualifications [of clerks of courts
5 of record] **as the recorder** and may, in the name of their principal, perform the duties of the

6 recorder of deeds, but all recorders of deeds and their sureties are responsible for the official
7 conduct of their deputies. The deputies appointed as herein provided shall receive the salaries
8 that are fixed by the recorder of deeds, with the approval of the county commission, from the
9 general revenue of the county. The appointment of every deputy shall be in writing, endorsed
10 with an oath of office similar to that taken by the recorder of deeds and subscribed to by the
11 deputy appointed, and filed by the recorder with the county commission.

**59.333. Beginning January 1, 2002, notwithstanding any other condition precedent
2 required by law to the recording of any instruments specified in subdivisions (1) and (2)
3 of subsection 1 of section 59.330, an additional fee of ten dollars shall be charged and
4 collected by every recorder of deeds in every county of this state. Such funds shall be paid
5 over to the state director of the department of revenue within thirty days of collection, and
6 deposited into a special fund in the state treasury created pursuant to this section and
7 maintained by the director. Moneys in the fund shall be distributed by the director to such
8 counties that have adopted or adopt a system of appointed circuit clerks as provided by
9 subsection 2 of section 483.015, RSMo, or section 483.018, RSMo, in the same amount as
10 is collected in each county and paid in the special fund. The director shall transfer twenty
11 percent of the amount of such fees received in a particular county to the recorder in that
12 same county to be used for the purposes set forth in subsection 1 of section 59.319. The
13 director shall deposit eighty percent of such fees received in a particular county into a
14 special fund in the county treasury to be used only to pay the costs associated with the
15 operation of the office of the recorder of deeds in that same county. The remaining amount
16 of such fees collected in counties that do not adopt a system of appointed circuit clerks as
17 provided by subsection 2 of section 483.015, RSMo, and paid into the special fund
18 established pursuant to this section shall be deposited to the credit of the state general
19 revenue fund at the end of each calendar year.**

483.010. 1. No person shall be appointed or elected **circuit clerk or court
2 administrator, however denominated**, of any court, unless [he be] **such person is** a citizen of
3 the United States[, above the age of] **and is at least** twenty-one years[, and shall have resided
4 within the state one whole year, and within the geographical area over which the court has
5 jurisdiction or, in the case of circuit clerks, within the county from which elected, three months
6 before the appointment or election; and every clerk shall, after his appointment or election, reside
7 in the geographical area over which the court he serves has jurisdiction or, in the case of circuit
8 clerks, in the county for which he is clerk] **of age**.

9 **2. The circuit clerk shall be an officer and employee of the judicial department of
10 state government and shall serve subject to the direction and authority of the circuit court
11 he or she serves.**

12 **3. Any reference in law to "circuit clerk" means any person exercising the**
13 **authority provided by this chapter, however denominated.**

 483.015. 1. **Except as provided by subsection 2 of this section and section 483.018,**
2 at the general election in the year 1982, and every four years thereafter, except as herein provided
3 and except as otherwise provided by law, circuit clerks shall be elected by the qualified voters
4 of each county and of the city of St. Louis, who shall be commissioned by the governor, and shall
5 enter upon the discharge of their duties on the first day in January next ensuing their election, and
6 shall hold their offices for the term of four years, and until their successors shall be duly elected
7 and qualified, unless sooner removed from office.

8 2. [The court administrator for Jackson County provided by the charter of Jackson
9 County shall be selected as provided in the county charter and shall exercise all of the powers
10 and duties of the circuit clerk of Jackson County. The director of judicial administration and the
11 circuit clerk of St. Louis County shall be selected as provided in the charter of St. Louis County.

12 3.] When provision is made in a county charter **or constitution** for the appointment of
13 a court administrator to perform the duties of a circuit clerk or for the [appointment] **selection**
14 of a circuit clerk, [such provisions shall prevail over the provisions of this chapter providing for
15 a circuit clerk to be elected.] the persons [appointed] **selected** to fill any such appointive
16 positions shall be paid by the counties as provided by the county charter, **constitution** or
17 ordinance; provided, however, that [if provision is now or hereafter made by law for the salaries
18 of circuit clerks to be paid by the state,] the state shall pay over to the county a sum [which is]
19 equivalent to the salary that would be payable by law by the state to [an elected] **a circuit clerk**
20 in such county if such [charter provision was not in effect] **person is appointed by the circuit**
21 **court en banc as provided by this subsection.** The sum shall be paid in [semimonthly or
22 monthly] **such periodic** installments, as **are** designated by the commissioner of administration.

23 **3. Each appointed circuit clerk shall hold and exercise the duties of such office**
24 **under the direction of the judges of the circuit en banc, subject to the court operating rules**
25 **of the supreme court.**

26 **4. The circuit clerk shall deliver up all records, books, papers, writings, computer**
27 **and electronic equipment, seals, furniture and apparatus belonging to the office, complete,**
28 **secure and undefaced, to such circuit clerk's successor elected or appointed by the court**
29 **pursuant to this section.**

 483.018. 1. **In any county where the circuit clerk is elected and where the circuit**
2 **and associate circuit judges are selected as provided by section 25(a) of article V of the state**
3 **constitution, the circuit clerk shall be appointed by the circuit court en banc. Any such**
4 **elected circuit clerk in office on the effective date of this subsection shall complete only the**
5 **term for which he or she is elected, and his or her successor shall be appointed by the**

6 **circuit court en banc.**

7 **2. In any other county, except a county of the first classification having a charter**
 8 **or constitution form of government, in which the circuit clerk is elected, the question of**
 9 **making the circuit clerk appointed rather than elected may be submitted to the voters of**
 10 **the county by order of the county commission or upon petition of voters signed by a**
 11 **minimum of five percent of the registered voters in the county voting in the last**
 12 **gubernatorial election.**

13 **3. The last question in such counties shall be submitted in substantially the**
 14 **following form:**

15 **Shall the office of circuit clerk in (name of county) be appointed:**

16 ☐ **YES** ☐ **NO**

17

18 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**
 19 **opposed to the question, place an "X" in the box opposite "NO".**

20 **3. If the issue is approved by a majority of the voters in the county before the**
 21 **expiration of the term of office of the circuit clerk holding office on the election date that**
 22 **the issue is approved, the circuit court en banc of the judicial circuit in which the county**
 23 **is located shall appoint the circuit clerk holding office upon such date as circuit clerk, to**
 24 **take effect on the day after the date his or her term expires. Each such circuit clerk shall**
 25 **hold and exercise the duties of such office under the direction of the judges of the circuit**
 26 **en banc, subject to the court operating rules of the supreme court.**

483.020. When any vacancy shall occur in the office of any circuit clerk [so elected, by
 2 death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the
 3 case of an elected clerk to], **the circuit court en banc shall** fill such vacancy by appointing some
 4 eligible person to said office, who shall discharge the duties thereof **under the supervision of**
 5 **the circuit court en banc, subject to the court operating rules of the supreme court. If the**
 6 **vacancy occurs in a county in which the circuit court is elected, the appointed clerk shall**
 7 **hold office** until the next general election, at which time a clerk shall be [chosen] **elected** for the
 8 remainder of the term, who shall hold [his] office until [his] **a** successor is duly elected and
 9 qualified, unless sooner removed.

483.055. Each clerk shall preserve the seal and other property belonging to [his] **the**
 2 office[, and shall provide and preserve suitable books, stationery and furniture for his office, and
 3 keep a correct account thereof; and each court shall audit such accounts, and allow such as shall
 4 be reasonable; but no article charged on any such account shall be allowed unless it properly
 5 comes within the description of those expressly named, except for fuel furnished for such office,
 6 for which the court shall make a reasonable allowance].

483.060. [All such allowances made to the clerks of the supreme court and the districts
2 of the Missouri court of appeals shall be paid by the state, and those made to circuit and division
3 clerks by the proper county except as otherwise provided by law.] Allowances for clerks serving
4 municipal divisions of the circuit court shall be paid by the municipality served by the clerk.

483.065. Each clerk shall keep his **or her** office at such places as the court shall direct,
2 and shall there keep the records, papers, seal and property belonging to [his] **the** office and
3 transact [his] official business; except that, each clerk may store closed court files and the records
4 and papers pertinent thereto at any secure place [within the county wherein] **with the approval**
5 **of** the court [is held], if adequate provisions are made for the examination and use of same.

483.075. 1. Every clerk shall record the judgments, rules, orders and other proceedings
2 of the court; issue and attest all process when required by law and affix the seal of [his] **the**
3 office thereto, or if none be provided, then his **or her** private seal; keep a perfect account of all
4 moneys coming into [his] **the clerk's** hands on account of costs or otherwise, and punctually pay
5 over the same.

6 2. [Provided, that where] **If** the clerk of the circuit court is a party, plaintiff or defendant,
7 whether singly or jointly with others, to a suit or action, the writ of summons and all other
8 process shall be issued by [the] **a deputy circuit** clerk [of the county commission] **designated**
9 **by the circuit court to act as circuit clerk with respect to that particular case**, the reason
10 therefor being noted [on said process] **in the order designating the deputy circuit clerk**, and
11 [said latter named] **the designated deputy circuit** clerk shall, on the trial of [said] **such** cause,
12 act as temporary clerk of the circuit court and otherwise perform in said cause all the duties of
13 the circuit court clerk.

483.082. 1. [Notwithstanding the provision of any other statute to the contrary] **Subject**
2 **to the provisions of section 483.240**, it shall be the duty of the clerks of all courts to keep such
3 records of the courts and in such a manner as may be directed by rule of the supreme court so that
4 they shall accurately record all essential matters relating to the causes and matters within the
5 jurisdiction of the court which are and have been pending before the court, including pleadings,
6 motions and related documents, transactions, orders and judgments or decrees related thereto
7 showing the course and disposition of causes and matters, the taxing and collection of court
8 costs, and the setting of trial calendars or dockets of pending cases.

9 2. Recognizing that improved methods and systems of keeping records and data have
10 been and will continue to be developed from time to time and that all court clerks should be
11 empowered to utilize improved methods, systems and techniques of keeping records of essential
12 matters, and notwithstanding the provisions of any other statute to the contrary, the methods,
13 form and systems of keeping all [such] **court** files and records shall be as directed and approved
14 by rule of the supreme court.

483.083. 1. Each circuit clerk shall annually receive as compensation the [following
2 amounts as] base salary[:

3 (1) In counties of the first classification, thirty-six thousand one hundred forty-five
4 dollars; except those counties where court is held in two cities, in which instance an additional
5 four thousand dollars shall be added to the base salary;

6 (2) In all counties of the second or fourth classification, thirty-one thousand nine hundred
7 seventy-eight dollars; except those counties where court is held in two cities, thirty-five thousand
8 five hundred forty-nine dollars;

9 (3) In the counties of the third classification, twenty-seven thousand two hundred
10 eighteen dollars except those counties where court is held in two cities; thirty thousand three
11 hundred eight dollars; except Marion County circuit clerks, district one and district two in
12 Hannibal, thirty-one thousand three hundred eighty-three dollars;

13 (4) In the city of St. Louis, sixty-seven thousand three hundred sixty dollars;

14 (5) The compensation of circuit clerks provided by this subsection shall annually be
15 increased by an amount equivalent] **he or she was entitled to receive, plus any additional**
16 **amounts receivable for maintaining offices in two or more locations, or for performing**
17 **other extra duties as provided by law in effect on December 31, 2002, in addition to [the]**
18 **any annual salary adjustment approved pursuant to section 476.405, RSMo, for employees of**
19 **the judicial department, due and payable on or after January 1, 2003.**

20 2. **Subject to appropriations,** such circuit clerks shall receive [in addition to any salary
21 provided by this section any salary adjustment provided pursuant to section 476.405, RSMo] **on**
22 **and after July 1, 2003, a salary set by rule of the supreme court.**

23 3. [In the event the judge orders child support payments in Marion County to be made
24 through the clerk, the clerk shall annually, on or before February first of each year, charge ten
25 dollars per year to each such person so obligated to make child support payments, which fee shall
26 be paid to the state.

27 4.] Payment of the compensation provided in this section shall be payable in [equal
28 monthly] installments, except that [the salary of the circuit clerk of the city of St. Louis shall be
29 paid in semimonthly installments and except that] all such compensation paid by the state shall
30 be paid in installments [as provided in] **pursuant to** section 33.100, RSMo. The compensation
31 of all circuit clerks shall be paid by the state, and [they] **circuit clerks** shall be considered state
32 employees [for all purposes except the manner of their selection, appointment or removal from
33 office]; except that, the circuit clerk **or other person fulfilling the duties of circuit clerk** of the
34 city of St. Louis, the circuit clerk of St. Louis County [and the court administrator of Jackson
35 County] **and any county adopting a charter or constitution pursuant to article VI, sections**
36 **18(a) to 18(r) of the state constitution** shall continue to be paid by the city and those counties

37 [and shall not become state employees], but the city of St. Louis[, St. Louis County and Jackson
38 County] **and any such charter or constitution county providing for appointment of its**
39 **circuit clerk** shall each be paid an amount which is equivalent to a circuit clerk's salary as
40 provided in subsection [3] **2** of section 483.015.

41 [5.] **4.** The compensation provided in this section shall be in lieu of all fees, and all fees
42 collected shall be paid over to the state or to the counties and the city of St. Louis as otherwise
43 provided by law.

483.140. It shall be the special duty of every judge [of a court of record] to examine into
2 and superintend the manner in which the rolls and records of the court are made up and kept; to
3 prescribe orders that will procure uniformity, regularity and accuracy in the transaction of the
4 business of the court; to require that the records and files be properly maintained and entries be
5 made at the proper times as required by law or supreme court rule, and that the duties of the
6 clerks be performed according to law and supreme court rule[; and if any clerk fail to comply
7 with the law, the court shall proceed against him as for a misdemeanor].

483.150. The [clerks of the several courts of record] **circuit clerk** shall keep a true
2 account of all fines, penalties, forfeitures and judgments imposed, adjudged or rendered in favor
3 of the state or any county by their respective courts, distinguishing those payable to the state from
4 those payable to the county, and shall keep the same open for the inspection of the judges of the
5 respective courts and the county treasurer.

483.240. 1. Each circuit clerk shall have administrative control over, and be responsible
2 for, the safekeeping of the records of the circuit court of each county or of the city of St. Louis,
3 except for the following:

4 (1) Records in probate divisions; **provided that, this subdivision shall not apply to**
5 **records in any circuit court where the keeping of court records for the probate division has**
6 **been consolidated under the circuit clerk;**

7 (2) Records in cases while they are pending in divisions presided over by an associate
8 circuit judge; provided, [however,] **that, this subdivision [(2)] shall not apply to [cases pending**
9 **before associate circuit judges in the circuit court of the city of St. Louis] records in any circuit**
10 **court where the keeping of court records for the associate circuit division has been**
11 **consolidated under the circuit clerk;**

12 (3) Records in cases [while they are pending] in the municipal divisions[; and

13 (4) Records of the traffic violation bureaus] **in municipalities electing to try municipal**
14 **violations before a municipal judge pursuant to section 479.020, RSMo, or to employ**
15 **judicial personnel pursuant to section 479.060, RSMo.**

16 2. Associate circuit judges and judges of the probate divisions who are authorized to
17 appoint division clerks shall have administrative control over the division clerks they appoint and

18 the records of their divisions. With respect to divisions which are staffed by division clerks
19 rather than by the circuit clerk or deputy circuit clerks, the judge appointing the division clerks
20 for that division shall designate a chief division clerk who shall be primarily responsible for the
21 safekeeping of the records of that division.

22 **3. Notwithstanding the provisions of subsections 1 and 2 of this section, by majority**
23 **vote of the judges of a circuit, en banc, the circuit court may adopt a system whereby the**
24 **circuit clerks within the circuit shall have administrative control over and be responsible**
25 **for the safekeeping of court records.**

483.245. 1. [The provisions of this section shall become effective on July 1, 1981.

2 **2.] Subject to appropriations authorized for such purpose and the court operating**
3 **rules of the supreme court,** the circuit clerk[, or person exercising the authority of the circuit
4 clerk pursuant to county charter,] shall appoint all deputy circuit clerks, including deputy circuit
5 clerks serving in courtrooms, and shall prescribe and assign the duties of such deputy circuit
6 clerks. The circuit clerk may remove from office any deputy circuit clerk whom he **or she**
7 appoints. **Subject to appropriations authorized for such purpose and the court operating**
8 **rules of the supreme court,** all division clerks, as defined in section 483.241, shall be appointed
9 by the judge of the division such clerks serve, and such judge may remove from office any
10 division clerk whom he **or she** appoints.

11 **[3. Notwithstanding the provisions of subsection 2 of this section, if, on June 30, 1981,**
12 **in any county or in the city of St. Louis, there exists by reason of local charter, a plan of merit**
13 **selection and retention or other similar personnel plan, providing for selection, tenure or**
14 **retention of deputy circuit clerks or division clerks, after July 1, 1981, as to clerical personnel**
15 **who were, on June 30, 1981, under such a plan, the provisions for merit retention and tenure**
16 **shall continue to apply as to such persons insofar as is reasonably possible even though they are**
17 **paid by the state and become state employees, and the circuit court en banc shall be considered**
18 **as the commission or board for determining the propriety of any disciplinary or dismissal action.**

19 **4.] 2.** In addition to the authority to remove deputy circuit clerks and division clerks
20 [hereinabove] provided **herein,** the circuit court en banc may remove from office a deputy circuit
21 clerk or division clerk [for cause], **subject to the court operating rules of the supreme court.**

22 **[5.] 3.** The maximum number of **state-funded** deputy circuit clerks for each county and
23 the maximum number of **state-funded** division clerks for a particular division shall be
24 determined by [order of the circuit court en banc. Such order may be modified for cause by order
25 of the supreme court, or if no order is entered providing for the number of deputy circuit clerks
26 and division clerks, the supreme court may enter such order] **the court operating rules of the**
27 **supreme court and shall be subject to appropriations for such purpose.**

28 **[6.] 4.** The salaries of deputy circuit clerks and division clerks shall be established by

29 [the circuit clerk in the case of deputy circuit clerks, or the judge appointing the division clerk
30 in the case of division clerks, within salary ranges and classifications which may from time to
31 time be established by administrative] rule of the supreme court within the limit of funds
32 appropriated for this purpose. The salaries of **such** deputy circuit clerks and division clerks shall
33 be paid by the state, and they shall be state employees.

34 [7.] **5.** Notwithstanding the other provisions of this section providing for the
35 establishment of the number of deputy circuit clerks and division clerks serving the various
36 circuit courts and the determination of their salaries, such determinations shall not be construed
37 as mandating appropriations to fund such positions, and the payment of the salaries and
38 emoluments of deputy circuit clerks and division clerks shall be subject to the availability of
39 moneys appropriated for those purposes by the general assembly or federal grant moneys.

40 [8.] **6.** For purposes of this section, the circuit court en banc shall be deemed to include
41 all circuit and associate circuit judges of the entire circuit, and determinations or orders of the
42 circuit court en banc shall be by action of a majority of such judges in office.

483.360. It shall be the duty of the circuit clerk, on or before the adjournment of any term
2 of [said] **the** court, to make and certify under the seal of [said] **the** court an abstract of [any
3 judgment or decree] **all judgements and decrees** rendered therein, and all liens and notices [of
4 same] filed therein [(within twenty-four hours after [the] filing [of such liens and notices]), and
5 **to** file and record the same [in a book to be kept for that purpose in his office at the county seat
6 of said county, for which he shall receive a fee of one dollar, to be taxed as costs in the case;] **in**
7 **the manner required by law and the court operating rules in effect.** Said abstract shall
8 contain the names of all the parties, plaintiffs and defendants, the amount of such judgment or
9 nature of such decree, against whom and in favor of whom rendered, and the date thereof.

483.390. [1.] **Subject to the supreme court rules and the local circuit court rules**
2 **promulgated pursuant to the supreme court rules,** in all civil actions any party interested
3 therein may, upon payment of the fees, have any or all of the following papers recorded in the
4 office of the clerk of the circuit court [in the county] in which such action is brought: Petitions,
5 summons, affidavit for publication of notice to nonresident or unknown defendants, sheriff's, or
6 other officer's, return of service to summons, proof of publication of notices to nonresident or
7 unknown defendants, answers, motions, notices of sale of property involved and proof of its
8 publication, return of sale by any sheriff, commissioner, or other officer, in case of sale of real
9 estate, affidavit of commissioner, notice to parties by commissioner in partition, and any other
10 paper or pleading tending to show the service on the defendants for their appearance in such case.

11 [2. The clerk of the circuit court shall charge the sum of ten cents per one hundred words
12 for the recording of papers as provided in this section, which sum shall be paid into the county
13 treasury.]

483.445. **1. Until January 1, 2003, and except as provided in subsection 2 of this section,** there shall be a clerk of district number 2 of the circuit court of Marion County, who shall possess the qualifications of other clerks of the circuit courts, who shall be elected by the qualified voters of the townships of Mason and Miller in Marion County, at the same times, in the same manner and for the same time as shall be provided by law for the clerks of the circuit courts and who shall continue in office until [his] a successor is elected and qualified. The clerk of district number 2 of the circuit court of Marion County shall have all of the rights, powers and duties of circuit clerk within Mason and Miller townships in Marion County and shall be paid as a circuit clerk except to the extent specifically otherwise provided. **The clerk of district number 2 of the circuit court of Marion County shall maintain an office in the city of Hannibal, and shall perform official duties under the supervision of the circuit court. Except as provided in subsection 2 of this section,** all vacancies in his or her office shall be [supplied] filled in the same manner as in like cases in the office of the circuit clerk. [The clerk provided by this section shall be in addition to the circuit clerk of Marion County.] **Except as provided in subsection 2 of this section,** the circuit clerk of [Marion County shall serve] district number 1 of the circuit court of Marion County **shall serve the remaining townships of Marion County,** and shall serve [as the ex officio recorder of deeds for all of Marion County] **maintain an office in the city of Palmyra. Both clerks shall serve in the manner provided by this chapter for all other circuit clerks, unless the position of clerk of district number 1 or 2 of the circuit court of Marion County is not filled as provided in subsection 2 of this section; in which event, the circuit clerk shall fulfill his or her duties as directed by the circuit court.**

2. After January 1, 2003, if a vacancy occurs in the office of the clerk of district number 1 or 2 in the circuit court of Marion County, such vacancy shall be filled only from funds allocated for that specific purpose. If the vacancy first occurs in the office of the clerk of district number 1, and such vacancy is not filled, then the clerk of district number 2 in the circuit court of Marion County shall be the circuit clerk of Marion County.

[59.140. When the clerk of the circuit court is ex officio recorder of the county, he shall use the seal of said court in all cases in which his official seal is to be affixed.]

[59.260. It shall be the duty of the circuit clerk and recorder of counties of the third class, wherein the offices shall have been combined, and in all counties of the fourth class, to charge and collect for the county in all cases every fee accruing to his office as recorder of the county to which he may be entitled under the law, and shall at the end of each month, file with the county clerk a report of all fees charged and accruing to his office during such month, together with the names of persons paying such fees. It shall be the duty of the circuit clerk and recorder, upon the filing of said report, to forthwith pay over to the county treasurer, all moneys that shall have

9 been collected by him as recorder during the month and required to be shown in such
10 monthly report as herein provided, taking duplicate receipts therefor, one of which
11 shall be filed with the county clerk; and every such circuit clerk and recorder shall be
12 liable on his official bond for all fees collected and not accounted for by him, and
13 paid into the county treasury as herein provided.]

2 [59.300. The circuit clerk and recorder in counties of the fourth class, and in
3 counties of the third class wherein the offices shall have been combined, as recorder
4 of the county, may appoint in writing one or more deputies, to be approved by the
5 circuit judge of the circuit court, which appointment with the like oath of office as
6 their principals, to be taken by them and endorsed thereon shall be filed in the office
7 of the county clerk. Such deputy recorders shall possess the qualifications of clerks
8 of courts of record, and may, in the name of their principals, perform the duties of
9 recorders of deeds, but all circuit clerks and recorders and their sureties shall be
responsible for the official conduct of their deputies.]

2 [483.165. If any clerk shall knowingly and willfully do any act contrary to the
3 duties of his office, or shall knowingly and willfully fail to perform any act or duty
required of him by law, he shall be deemed guilty of a misdemeanor in office.]

2 [483.170. 1. When any court shall believe from its own knowledge or from
3 information secured from others given to the court under oath or affirmation, that the
4 clerk of the court has committed some act or acts constituting a misdemeanor in
5 office, the court shall give notice thereof, stating the charge or charges against such
6 clerk, to the attorney general of the state or the prosecuting attorney of the county,
7 requiring him to prosecute the same; and such court may by order of record suspend
such clerk from office until a trial upon such charge or charges can be had.

8 2. Pending such suspension, the court shall appoint some person possessing
9 the qualifications required for the regular clerks of such court to act and perform the
10 duties of the clerk of said court. Before entering upon the duties of his office such
11 temporary clerk shall take and subscribe an oath or affirmation and give bond as
12 required for clerks of said courts. Such temporary clerk shall possess the same
13 powers and perform the same duties as provided for clerks of the court to which they
14 are appointed, and shall continue in office until the regular clerk of such court shall
15 resume his office, or his successor shall be duly elected and qualified, as the case may
16 be.

17 3. Provided, however, that when the court shall prefer charges against the
18 clerk of any court as herein provided the said clerk shall remain in possession of and
19 continue to perform the duties of this office by giving bond to the state with at least
20 two solvent sureties, the amount of said bond to be fixed and the bond to be approved
21 by the chief or presiding judge of the court, conditioned that said clerk and his
22 sureties shall pay all costs, damages and fines which may be assessed against him
23 upon his trial; and if said clerk shall fail to furnish said bond within fifteen days after
24 receiving notice to do so, his suspension shall become fully effective and he shall
25 surrender up his said office to the temporary clerk.]

[483.175. Whenever the attorney general or prosecuting attorney shall be

2 required to prosecute charges against any clerk, he shall make out each charge in due
3 form, and cause a copy thereof to be served on him, together with a notice requiring
4 him to appear before the court, on some day in term time, to be specified in such
5 notice, and answer the said charges.]

2 [483.180. Such notice and a copy of the charges shall be delivered to such
3 clerk thirty days at least before the day so appointed, and the attorney general or
4 prosecuting attorney shall file such charges in the office of the clerk of the circuit
5 court in the county where the clerk's office is located, and shall cause witnesses to be
6 summoned to support the same, and shall prosecute such charges with all convenient
speed.]

2 [483.190. A jury may be summoned to try the truth of the charges, if they are
denied, or the whole matter may be submitted to the court for its determination.]

2 [483.195. If any clerk against whom charges shall be exhibited as aforesaid
3 shall be found guilty thereof, he shall be removed from his office, and be fined at the
4 discretion of the court in any sum not exceeding one thousand dollars to the use of
the state; and he shall pay all the costs of the proceedings.]

2 [483.200. If any such clerk shall be acquitted, he shall be reinstated in his
office, and the state shall pay the cost.]

2 [483.205. In addition to the mode herein provided, any clerk may, for any
3 misdemeanor in office, be removed and otherwise punished by indictment in the
circuit court.]

2 [483.450. The clerk of district number 2 of the circuit court of Marion
3 County shall reside in said city of Hannibal, and shall keep his office open at all
reasonable hours.]